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28289

7590

06/26/2009

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
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PITTSBURGH, PA 15219

EXAMINER

LE, MARK T

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 06/26/2009

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/508,977 | 04/25/2005 | Brian Maurice Parker | 5161-045200 | 1143 |

TITLE OF INVENTION: DRIVE MECHANISM FOR A TRACK MOUNTED BODY

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | YES | \$755 | \$300 | \$0 | \$1055 | 09/28/2009 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

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B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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28289 7590 06/26/2009

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|--------------------|
| (Depositor's name) |
| (Signature) |
| (Date) |

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TITLE OF INVENTION: DRIVE MECHANISM FOR A TRACK MOUNTED BODY

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|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | YES | \$755 | \$300 | \$0 | \$1055 | 09/28/2009 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|------------|----------|----------------|
| LE, MARK T | 3617 | I05-096000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

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(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

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- ☐ A check is enclosed.
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☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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| EXAMINER | | | | |
| LE, MARK T | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3617 | | | | |
| DATE MAILED: 06/26/2009 | | | | |

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 455 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 455 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/508,977

Applicant(s)

PARKER ET AL.

Examiner

MARK T. LE

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments filed on April 29, 2009.
2. ☒ The allowed claim(s) is/are 18-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given by Mr. Nathan Prepelka on June 18, 2009.

The claims have been amended as follows:

-- Claim 18: (Currently Amended) A drive mechanism for attachment to an existing body having an outer wall, wherein said body has a plurality of load bearing track engaging wheels that allow said body to move back and forth along a load bearing track, said drive mechanism comprising:

an actuator attached outward of said outer wall of said body that is driven, a non-load bearing drive wheel ~~that is attached~~ mounted to pivot by a pivot connection that is located entirely outward of said outer wall of said body and with respect to said body so that it engages a stationary surface adjacent said body, said stationary surface being distinct from said load bearing track, said drive wheel and said actuator located on the same side of said load bearing track and outward of said outer wall of said body, and

a drive coupling ~~means~~ mechanism between said actuator and said drive wheel wherein actuation of said actuator causes rotation of said drive wheel which moves said body along said load bearing tracks,

wherein the load bearing track engaging wheels and the non-load bearing drive wheel are ~~each~~ rotatably mounted about ~~[[a]]~~ respective horizontal axes separate from said pivot connection, and wherein said stationary surface extends parallel to and horizontally alongside said load bearing track.

Claim 19: (Previously Presented) The drive mechanism according to claim 18, wherein said drive wheel frictionally engages said surface.

Claim 20: (Previously Presented) The drive mechanism according to claim 19, wherein the periphery of said drive wheel comprises a material having a high friction co-efficient.

Claim 21: (Previously Presented) The drive mechanism according to claim 20, wherein said material comprises polyurethane.

Claim 22: (Currently Amended) The drive mechanism according to claim 18, further comprising a ~~means~~ mechanism of biasing said drive wheel towards said surface.

Claim 23: (Currently Amended) The drive mechanism according to claim 22, wherein said biasing ~~means~~ mechanism comprises a carriage to which said drive wheel is mounted that is pivotally mounted with respect to said body and a spring mounted between said carriage and said body that urges said carriage towards said surface.

Claim 24: (Previously Presented) The drive mechanism according to claim 18, further comprising reduction gearing between said actuator and said drive wheel.

Claim 25: (Previously Presented) The drive mechanism according to claim 18, wherein said drive coupling comprises a belt extending between said actuator and said drive wheel.

Claim 26: (Previously Presented) The drive mechanism according to claim 25, further comprising an intermediate pair of pulleys with said belt extending to a first of

said pulleys with a second belt extending from a second of said pulleys to said drive wheel.

Claim 27: (Previously Presented) The drive mechanism according to claim 18, wherein said actuator comprises a manually operated crank.

Claim 28: (Previously Presented) The drive mechanism according to claim 27, wherein said crank comprises a wheel.

Claim 29: (Currently Amended) A drive mechanism for attachment to an existing body having an outer wall, wherein said body has a plurality of load bearing track engaging wheels that allow said body to move back and forth along a load bearing track, said drive mechanism comprising:

a non-load bearing drive wheel ~~that is attached~~ mounted to pivot by a pivot connection that is located entirely outward of said outer wall of said body and with respect to said body so that it frictionally engages a stationary surface adjacent said body, said surface being distinct from said load bearing track, and

a drive ~~means~~ for rotating said drive wheel to move said body along said load bearing tracks, wherein said drive ~~means~~ and said drive wheel are located on the same side of said load bearing track and outward of said outer wall of said body,

wherein the load bearing track engaging wheels and the non-load bearing drive wheel are ~~each~~ rotatably mounted about ~~[[a]]~~ respective horizontal ~~axis~~ axes separate from said pivot connection, and

wherein said stationary surface extends parallel to and horizontally alongside said load bearing track.

Claim 30: (Previously Presented) A plurality of track mounted cabinets using a drive mechanism according to claim 18, wherein each said cabinet comprises a body with said drive mechanism attached to each said cabinet.

Claim 31: (Previously Presented) The track mounted cabinets according to claim 30, wherein said surface is an elongate track extending along the length of said cabinets that is engaged by said drive wheel.

Claim 32: (Currently Amended) The track mounted cabinets according to claim 31, wherein said elongate track is attached to any one of load bearing tracks supporting said cabinets.

Claim 33: (Previously Presented) A plurality of track mounted cabinets using a drive mechanism according to claim 29, wherein each said cabinet comprises a body with said drive mechanism attached to each said cabinet.

Claim 34: (Previously Presented) The track mounted cabinets according to claim 33, wherein said surface is an elongate track extending along the length of said cabinets that is engaged by said drive wheel.

Claim 35: (Currently Amended) The track mounted cabinets according to claim 34, wherein said elongate track is attached to any one of load bearing tracks supporting said cabinets.

Claim 36: (Previously Presented) The drive mechanism according to claim 18, wherein said actuator is manually driven.

Claim 37: (Previously Presented) The drive mechanism according to claim 36, wherein said actuator is mechanically driven.

Claim 38: (Currently Amended) The drive mechanism according to claim 29, wherein said drive mechanism further comprises ~~means~~ a mechanism for biasing said drive wheel towards said surface.

Claim 39: (Currently Amended) The drive mechanism according to claim 38, wherein said drive ~~means~~ comprises:

an actuator attached to said body that is manually or mechanically driven; and

a drive coupling ~~means~~ mechanism between said actuator and said drive wheel, wherein actuation of said actuator causes rotation of said drive wheel which moves said body along said load bearing track.

Claim 40: (Previously Presented) The drive mechanism according to claim 39, wherein a periphery of said drive wheel comprises a material having a high friction co-efficient.

Claim 41: (Previously Presented) The drive mechanism according to claim 40, wherein said material comprises polyurethane.

Claim 42: (Currently Amended) The drive mechanism according to claim 39, wherein said biasing ~~means~~ mechanism comprises a carriage to which said drive wheel is mounted, said carriage being pivotally mounted with respect to said body, and a spring mounted between said carriage and said body that urges said carriage towards said surface.

Claim 43: (Currently Amended) The drive mechanism according to claim 39, wherein said drive coupling ~~means~~ mechanism comprises reduction gearing.

Claim 44: (Currently Amended) The drive mechanism according to claim 39, wherein said drive coupling ~~means~~ mechanism comprises a belt extending between said actuator and said drive wheel.

Claim 45: (Previously Presented) The drive mechanism according to claim 44, further comprising an intermediate pair of pulleys with said belt extending to a first of

said pulleys and with a second belt extending from a second of said pulleys to said drive wheel.

Claim 46: (Previously Presented) The drive mechanism according to claim 39, wherein said actuator comprises a manually operated crank.

Claim 47: (Previously Presented) The drive mechanism according to claim 46, wherein said crank comprises a wheel. --.

The specification has been amended as follows:

In the specification, page 4, the fourth paragraph has been amended as follows:

-- The carriage 27, having the drive wheel 24 mounted therein, is pivotally attached to the side of the shelf unit via a pivot connection 28 that is located entirely outward of the side or outer wall of the body of the shelving unit (see Figs. 3-5). In this embodiment the pivot connection 28 is secured to a plate 29 that is attached to the column 19 and the side of the shelving unit 11 and 12. --.

In the specification, page 5, after the first paragraph, the following paragraph has been inserted:

-- The drive wheel 24 and the wheel 15 on a side of the shelf unit 11,12 are mounted for rotations about respective horizontal axes separate from the pivot connection 28. --.

The abstract has been amended to remove objectionable phraseology

"means" in the abstract:

-- DRIVE MECHANISM FOR A TRACK MOUNTED BODY

ABSTRACT

A drive mechanism for a body where the body has a plurality of load bearing and track engaging wheels that allow the body to move back and forth along a track that comprises an actuator attached to the body that is manually or mechanically driven, a non-load bearing drive wheel that is attached with respect to the body so that it engages a stationary surface adjacent the body and a drive coupling [means] mechanism between the actuator and the drive wheel wherein actuation of the actuator causes rotation of the drive wheel which moves the body along the tracks. The invention provides a convenient [means] mechanism of attaching a drive mechanism to a body and to enable easier movement of track mounted bodies. --.

3. As discussed with Mr. Prepelka, the above examiner's amendments to the above claims were necessary to better define the instant claimed invention over the prior art structures, including the structure of Morcheles (US 4,467,924); wherein, Figures 17-18 of Morcheles appeared to show a structure similar to that recited in instant claim 18. Further, the word "means" in the claims was also needed to be changed so as to avoid any confusion with means-plus-function under 35 U.S.C. 112, sixth paragraph. Mr. Prepelka accepted the examiner's proposed amendments to the claims as above. The specification was also amended as above so as to provide proper antecedent basis for the amended subject matters of the claims. The examiner had also amended the abstract so as to avoid objectionable wordings, such as the legal phraseology "means", in the abstract.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK T. LE whose telephone number is (571)272-6682. The examiner can normally be reached on Mon-Fri, between 8:15-4:45 (Teleworking).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Le/
Primary Examiner
Art Unit 3617

mle
6/22/09